IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 11779 of 2004

Between:

Smt.H.V.Rajeshwari, D/o H.Viswanatha Sastry,
R/o Door No.2-112, Malkajigiri, Hyderabad

... PETITIONER

AND

1 The Controller of Examinations, Osamania University,

Hyderabad.
2 The Registrar, Osmania University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of Mandamus, declaring the action of the respondents in not recounting the marks in respect of M.A. (Previous (Papers I, II & IV) and M.A.Final Examinations (All the four papers) which were written by her in July, 2003 with Roll No.094-02-01555 as an arbitrary, illegal and unreasonable and consequently direct the respondents to recount the marks in presence of the petitioner.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court, at the admission stage, made the following:

ORDER:

Petitioner, who appeared for M.A. Final year Examination conducted in July, 2003, filed the present writ petition for a Mandamus to declare the action of the respondents in not recounting the marks in respect of M.A (Previous papers I, II & IV), for which an application was made on 05-11-2003 is arbitrary and illegal.

2. In the counter affidavit filed by the respondents, it is stated that there is no provision to recount marks in the presence of the candidates. The marks will be thoroughly checked and recounted by the staff concerned in the presence of the officers of Examination Branch and the marks of the previous examination and also final examination conducted in July were recounted and found correct and petitioner was also intimated accordingly. On such intimation, the marks sheets were already destroyed.

3. Learned counsel for the petitioner also produced the resolution passed by the Executive Council in its meeting held on 26-03-1998 wherein it has taken a decision that answer books will be disposed of after six months of publication of the results of the examination.

4. Since the answer sheets were already disposed of and the same are not available, no direction as such can be issued for recounting the answer sheets.

The writ petition is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 1, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Controller of Examinations, Osamania University,

Hyderabad.
2 The Registrar, Osmania University, Hyderabad.

3 Two C.D. Copies.